FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8000 OF 2004

Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Order

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Mr.R.S.Datar, for Petitioner.

CORAM: D.K.DESHMUKH,J.

DATED: 13th July, 2005.

P.C.:-

1. Obviously the Court of Small Causes entertaining the suits between the landlord and tenant, and the Court of Original Civil Jurisdiction before which the present suit has been filed are not the Courts of like jurisdiction. Therefore section 10 of Civil Procedure Code is not applicable.

The submission that because Section 10 of C.P.C. does not apply, power could be exercised under Section 151 of C.P.C. is merely to be stated to be rejected because the subject of stay of the suit and the doctrine of sub-judice is incorporated in Civil Procedure Code by Section 10 and therefore, when the suit cannot be stayed under section 10 of C.P.C. because of the doctrine of sub-judice then it cannot be stayed under Section 151 of C.P.C. also. The petition therefore, cannot be entertained and it is disposed of.